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# GENERAL STATUTES

OF THE

# STATE OF MINNESOTA.

PREPARED BY THE COMMISSIONERS APPOINTED TO REVISE  
THE STATUTES OF THE STATE, BY ACT OF THE  
LEGISLATURE, PASSED FEBRUARY 17, 1863.

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## CHAPTER LXXXVII.

## CONTEMPTS.

1 SECTION 1. The following acts or omissions, in respect  
2 to a court of justice, or proceedings therein, are contempts  
3 of the authority of the court :

C.S. p. 602, Sect. 1.

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4 *First.*—Disorderly, contemptuous, or insolent behavior  
5 toward the judge while holding the court, tending to  
6 interrupt the due course of a trial, or other judicial proceed-  
7 ing ;

8 *Second.*—A breach of the peace, boisterous conduct, or  
9 violent disturbance, tending to interrupt the due course of  
10 a trial, or other judicial proceeding ;

11 *Third.*—Misbehavior in office, or other wilful neglect or  
12 violation of duty by an attorney, counsel, clerk, sheriff,  
13 coroner, or other person appointed or elected to perform a  
14 judicial or ministerial service ;

15 *Fourth.*—Deceit or abuse of the process or proceedings  
16 of the court by a party to an action or special proceeding ;

17 *Fifth.*—Disobedience of any lawful judgment, order or  
18 process of the court ;

19 *Sixth.*—Assuming to be an officer, attorney, counsel of  
20 a court, and acting as such without authority ;

21 *Seventh.*—Rescuing any person or property, in the cus-  
22 tody of an officer by virtue of an order or process of such  
23 court ;

24 *Eighth.*—Unlawfully detaining a witness or party to an  
25 action while going to, remaining at, or returning from the  
26 court where the action is on the calendar for trial ;

27 *Ninth.*—Any other unlawful interference with the process  
28 or proceedings of a court ;

29 *Tenth.*—Disobedience of a subpoena duly served ; or re-  
30 fusing to be sworn or answer as a witness ;

31 *Eleventh.*—When summoned as a juror in a court, neg-  
32 lecting to attend or serve as such, or improperly conversing  
33 with a party to an action to be tried at such court, or with  
34 any other person in relation to the merits of such action, or  
35 receiving a communication from a party or other person in  
36 respect to it, without immediately disclosing the same to the  
37 court ;

38 *Twelfth.*—Disobedience by an inferior tribunal, magis-  
39 trate, or officer, of the lawful judgment, order, or process of  
40 a superior court, or proceeding in an action or special pro-  
41 ceeding contrary to law, after such action or special pro-

ceeding, is removed from the jurisdiction of such inferior tribunal, magistrate, or officer. Disobedience of the lawful orders or process of a judicial officer, is also a contempt of the authority of such officer.

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C. S. p. 663, Sect. 2.

SECT. 2. Every court of justice, and every judicial officer, has power to punish contempts by fines or imprisonment, or both; but when the contempt is not one of those mentioned in the first or second subdivisions of the last section, it must appear that the right or remedy of a party to an action or special proceeding, was defeated or prejudiced thereby, before the contempt can be punished by imprisonment, or by a fine exceeding fifty dollars.

C. S. p. 663, Sect. 3.

SECT. 3. When a contempt is committed in the immediate presence of the court, or officer, it may be punished summarily, for which an order shall be made, reciting the facts as occurring in such immediate view and presence, adjudging that the person proceeded against, is thereby guilty of a contempt, and that he be punished as therein described. Such punishment, however, cannot exceed that prescribed by section twelve; where the contempt is not committed in the immediate view and presence of the court, an affidavit or other evidence shall be presented to the court or officer, of the facts constituting the contempt.

C. S. p. 663, Sect. 4.

SECT. 4. In cases other than those mentioned in the last section, the court or officer, may either issue a warrant of arrest, to bring the person charged, to answer, or without a previous arrest may, upon notice, or upon an order, to show cause, which may be served by a sheriff or other officer, in the same manner as a summons in an action, grant a warrant of commitment, impose a fine, or both, not exceeding the punishment prescribed by section twelve, and make such order thereupon, as the case may require.

C. S. p. 663, Sect. 5.

SECT. 5. If the party charged, is in the custody of an officer by virtue of a legal order or process, civil or criminal, except upon a sentence for felony, an order may be made for the production of such person, by the officer having him in custody, that he may answer, and he shall thereupon be produced and held until an order is made for his disposal.

C. S. p. 664, Sect. 6.

SECT. 6. Whenever a warrant of arrest is issued pursuant to this chapter, the court or officer shall direct whether the person charged, may be let to bail for his appearance upon the warrant, or detained in custody without bail; and if he may be bailed, the amount in which he may be let to bail. The directions given in this respect, shall be specified in the warrant.

1 SECT. 7. Upon executing the warrant of arrest, the  
 2 sheriff shall keep the person in actual custody, bring him  
 3 before the court or officer, and detain him until an order is  
 4 made in the premises, unless the person arrested entitle  
 5 himself to be discharged, as provided in the next section.

C. S. p. 664, Sect. 7.

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1 SECT. 8. When the warrant contains the direction to  
 2 let the person arrested to bail, he shall be discharged from  
 3 the arrest, upon executing and delivering to the officer, at  
 4 any time before the return day of the warrant, a recogni-  
 5 zance with two sufficient sureties, to the effect that the per-  
 6 son arrested will appear on the return of the warrant, and  
 7 abide the order of the court or officer thereupon, or pay as  
 8 may be directed, the sum specified in the warrant.

C. S. p. 664, Sect. 8.

1 SECT. 9. The officer shall return the warrant of arrest,  
 2 and the recognizance, if any received by him from the per-  
 3 son arrested, by the return day specified therein. If he  
 4 fails to make the return, a warrant of arrest notailable,  
 5 may be issued against him, specifying therein the cause of  
 6 issuing it.

C. S. p. 664, Sect. 9.

1 SECT. 10. The officer to whom the warrant mentioned  
 2 in the last section is delivered, shall execute it, by arrest-  
 3 ing the person proceeded against, bringing him personally  
 4 before the court or officer, and detaining him in custody  
 5 until otherwise ordered.

C. S. p. 664, Sect. 10.

1 SECT. 11. When the person arrested has been brought  
 2 up or appeared, the court or officer shall proceed to investi-  
 3 gate the charge, by examining him and the witnesses for or  
 4 against him, for which an adjournment may be had from  
 5 time to time, if necessary.

C. S. p. 664, Sect. 11.

1 SECT. 12. Upon the evidence so taken, the court or offi-  
 2 cer shall determine whether the person proceeded against is  
 3 guilty of the contempt charged, and if it is adjudged that he  
 4 is guilty of the contempt, a fine shall be imposed upon him,  
 5 not exceeding two hundred and fifty dollars, or he be  
 6 imprisoned not exceeding six months, or both. But in the  
 7 discretion of the court or officer, (in case of inability to pay  
 8 the fine, or endure the imprisonment,) he may be relieved  
 9 in such manner and upon such terms as may be just.

C. S. p. 664, Sect. 12.

1 SECT. 13. If an actual loss or injury to a party in an  
 2 action or special proceeding, prejudicial to his right there-  
 3 in, is caused by the contempt, the court or officer, in addi-  
 4 tion to the fine or imprisonment imposed for the contempt,  
 5 may order the person proceeded against to pay to the party  
 6 aggrieved a sum of money sufficient to indemnify him, and

C. S. p. 664, Sect. 13.

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7 to satisfy his costs and expenses ; which order, and the ac-  
8 ceptance of money under it, is a bar to an action by the ag-  
9 grieved party for such loss and injury.

c 81 C. S. p. 664, Sect. 14.

1 SECT. 14. When the contempt consists in the omission  
2 to perform an act which is yet in the power of the person to  
3 perform, he may be imprisoned until he performs it ;  
4 and in that case the act shall be specified in the warrant of  
5 commitment.

C. S. p. 664, Sect. 15.

1 SECT. 15. Persons proceeded against, according to the  
2 provisions of this chapter, are also liable to indictment for  
3 the same misconduct, if it is an indictable offense, but the  
4 court before which a conviction is had on the indictment, in  
5 passing sentence, shall take into consideration the punish-  
6 ment before inflicted.

C. S. p. 665, Sect. 16.

1 SECT. 16. When the warrant of arrest has been return-  
2 ed served, if the person arrested does not appear on the re-  
3 turn day, the court or officer may issue another warrant of  
4 arrest, or may order the recognizance to be prosecuted, or  
5 both. If the recognizance is prosecuted, the measure of  
6 damages in the action, is the extent of the loss or injury  
7 sustained by the aggrieved party, by reason of the miscon-  
8 duct for which the warrant was issued, and the costs of the  
9 proceedings.

C. S. p. 665, Sect. 17.

1 SECT. 17. Whenever, by the provisions of this chapter,  
2 an officer is required to keep a person arrested in actual  
3 custody, and to bring him before a court or officer, the in-  
4 ability, from illness or otherwise, of the person to attend,  
5 is a sufficient excuse for not bringing him up.

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CHAPTER LXXXVIII.

ATTORNEYS AND COUNSELLORS.

c 82 C. S. p. 665, Sect. 2.

1 SECTION 1. Any male person, of the age of twenty-  
2 one years, of good moral character, and who possesses the  
3 requisite qualifications of learning and ability, is entitled to  
4 admission to practice in all the courts of this state.

C. S. p. 666, Sect. 3.

1 SECT. 2. For the purpose of admission, he shall apply  
2 to the supreme court or any district court when in session,  
3 and shall show first, that he is of the age of twenty-one  
4 years, which proof may be made by his own affidavit ; and